

REMARKS

1. Claim 1 is pending and stands rejected in the application. The communication cancels claim 1 and adds claims 2-4.

Reconsideration of this application is respectfully requested.

2. The abstract of the disclosure stands objected to under MPEP 608.01(b) because it contains more than 150 words. In response, the abstract of the disclosure has been amended to reduce the word count from 152 words to 146 words. Accordingly, withdrawal of this objection is respectfully urged.

3. The specification has been amended to correct minor informalities. No new matter is believed entered by these amendments.

4. Claim 1 stands objected to because the term "ILS" is not written out in the claim. This objection is moot in view of the cancellation of claim 1. New claims 2-4 have been drafted to write out the term "ILS" at least a first time in the claims.

5. Claim 1 stands rejected under 35 U.S.C. 101 because it is directed to non-statutory subject matter. The Examiner states that the basis for this rejection is set forth in a two-prong test:

- (1) whether the invention is within the technological arts;
and
- (2) whether the invention produces a useful, concrete, and tangible result.

This rejection is moot as claim 1 has been canceled by this communication.

Regarding new claims 2-4, it is respectfully submitted that the basis for the rejection is incorrect. New claims 2-4 are process claims because they each require one or more acts to be performed. One or more of the steps recited in each of claims 2-4 may be performed by a computer but are not limited thereby. For a claimed computer-related process to be statutory, the claimed process must either: A) result in a physical transformation outside the computer for which a practical application in the technological arts is either disclosed in the specification or would have been known to a skilled artisan, or B) be limited to a practical application within the technological arts. (See MPEP 2106). Claims 2-4 meet condition A because they involve a physical transformation outside the computer (the most remote one of the determined arrival dates is transformed to an ILS date) and the ILS date has a practical application in a technological art (lifetime support and depot operations). Claims 2-4 also meet condition B because they are limited to a practical application in the lifetime support and depot operations art.

In addition, the law does not require the terms “computer” or “processor” to be recited in a process claim to qualify the claim as statutory. In fact MPEP 2106 provides an example of a statutory process claim which meets condition B (limited to a practical application within the technological arts) and does not recite the term computer or processor:

A digital filtering process for removing noise from a digital signal comprising the steps of calculating a mathematical algorithm to produce a correction signal and subtracting the correction signal from the digital signal to remove the noise.

In view of the foregoing, withdrawal of this rejection is respectfully urged.

6. Claim 1 stands rejected under 35 U.S.C. 103(a) as being unpatentable over the discussion in Applicants' "Background of the Invention" (Background) section.

The rejection is moot as claim 1 has been canceled by this communication. Regarding new claims 2-4, it is respectfully submitted that Applicants' Background section does not teach or suggest the subject matter of claims 2-4. Specifically, there is no teaching or suggestion in the Background section of a change document generating step, as required in claims 2-4. Since there is no teaching or suggestion of the change document generating step in the Background section, the Background section does not teach or suggest the steps of associating the change document with a ship having the particular type of equipment, associating a particular upgrade with the change document, and determining arrival dates of all elements associated with the particular upgrade assigned to the change document, as also required in claims 2-4. The Background section also fails to teach or suggest the step of selecting a most remote one of the determined arrival dates as an integrated logistic support date, as required by claims 2-4. The Background section also fails to teach or suggest the step of comparing the ILS date with the selected ship upgrading date, as required in claims 3 and 4.

In view of the foregoing, withdrawal of this rejection is respectfully urged.

7. Favorable reconsideration of this application is respectfully requested as it is believed that all outstanding issues have been addressed herein and, further, that claims 2-4 are in condition for allowance, early notification of which is earnestly solicited. Should there be any questions or matters whose resolution may be advanced by a

telephone call, the examiner is cordially invited to contact applicants' undersigned attorney at his number listed below.

8. The Commissioner is hereby authorized to charge payment of any additional filing fees required under 37 CFR 1.16 and any patent application processing fees under 37 CFR 1.17, which are associated with this communication, or credit any overpayment to Deposit Account No. 50-2061.

Respectfully submitted,



PAUL A. SCHWARZ
Registration No. 37,577

Duane Morris LLP
P.O. Box 5203
Princeton, NJ 08543-5203
609-631-2446 – Tel
609-631-2401 – Fax